

Appl. No. : 10/814,412  
Filed : March 31, 2004

### REMARKS

By way of summary, Claims 1-25 were originally filed in the present application. Claims 1-4, 6, 11, 14, 16, 19, and 20 have been amended. New Claims 26 and 27 have been added. Thus, Claims 1-27 are now pending in the present application.

#### Claims Indicated As Allowable Have Been Rewritten

Applicant acknowledges with appreciation the indication that the subject matter of Claims 19-24 would be allowable if rewritten into independent form. These claims were objected to as being dependent upon a rejected base claim. With this Amendment, Claims 19-24 have been rewritten to include all of the limitations of the base independent claim from which they depend, as suggested by the Examiner. Thus, Claims 19-24 are in condition for allowance.

#### All Pending Claims Now Fully Comply with 35 U.S.C. § 112

With respect to Claims 11-13, the Examiner has stated that these claims are indefinite. Claim 11 has been amended to put the claim in better form for examination. The claim amendment is not related to patentability. Withdrawal of the rejection of Claims 11-13 under 35 U.S.C. § 112, second paragraph is requested.

#### Claims 1-18 and 25 are Patentable Over Cited References

Claims 1, 2, 4-6, and 10-15 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,349,928 to Takahashi et al. ("the '928 patent"). Claims 1-3 and 10-15 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,829,402 to Takahashi et al. ("the '402 patent"). Claims 16-18 and 25 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,463,902 to Curtis et al. ("Curtis"). Claims 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the '928 patent or the '402 patent in view of Curtis.

Applicant respectfully does not agree with the characterization of the references set forth by the Examiner nor with the rejection of the claims. Nevertheless, to expedite the issuance of the other pending claims, Applicant has amended some of the claims to more clearly distinguish the claims over the applied references. In view of these clarifying amendments, Applicant does not present arguments concerning the combinability of cited references. Applicant hereby

Appl. No. : 10/814,412  
Filed : March 31, 2004

reserves the right to contest the combinability of these references at a later date and to pursue at a later date claims similar to the original claims. In view of the following discussion, Applicant respectfully submits that the claims are in condition for allowance.

Claims 1-15 are Novel and Non-obvious Over Cited References

Amended Claim 1 recites:

An engine comprising an engine body including a plurality of combustion chambers and an air induction system for supplying air to the combustion chambers, the air induction system comprising a support member defining at least one flow passage, a flow control device supported by the support member and communicating with the flow passage so as to regulate an amount of air flow through the flow passage, and at least two runners, the runners positioned on opposite sides of the engine body from each other and being in fluid communicating with at least one corresponding combustion chamber and with the flow passage of the support member, one end of each runner being supported by the support member and the other end of each runner being supported by the engine body, the flow passage being positioned to deliver air flow from the flow control device to the ends of the runners supported by the support member.

The cited references do not disclose each and every limitation of Claim 1. For example, the cited references do not disclose, *inter alia*, the flow passage that is positioned to deliver air flow from the flow control device to the ends of the runners supported by the support member, wherein the runners are positioned on opposite sides of the engine body from each other. In contrast to Claim 1, the '928 patent teaches having a pair of carburetor units 62 for controlling air flow to intake tubes 58A, 58B. See, e.g., Figures 3B and 3C of the '928 patent. Each carburetor 62 controls air flow to an intake tube on one side of the engine. The '928 patent does not disclose having air flowing from a flow control device to a runner positioned on each side of the engine body.

The embodiment described in the specification is an example of an engine that falls within the scope of Claim 1. In the described embodiment, the engine 28 that has a flow passage 122 positioned to permit air flow from a throttle valve assembly 72 to the ends of intake passages 60 supported by the support member 94. Advantageously, flow from the single throttle valve assembly 72 can be delivered to the intake passages 60 positioned on both sides of the engine 28.

The '402 patent also does not disclose each and every limitation of Claim 1. For example, the '402 patent discloses runners that are positioned on one side of an engine, not on

Appl. No. : 10/814,412  
Filed : March 31, 2004

both sides of the engine. See, e.g., Figure 4 of the '402 patent. Thus, the cited references do not disclose each and every feature of Claim 1, and Claim 1 is in condition for allowance.

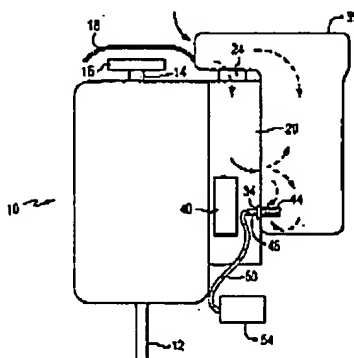
Claims 2-15 depend from Claim 1 and are allowable as depending from an allowable base claim, as well as for novel and non-obvious combination of elements recited therein. Thus, Claims 1-15 are in condition for allowance.

Claims 16-18 and 25 are Patentable Over Curtis et al.

Amended Claim 16 recites:

An engine comprising an engine body including at least one cylinder that defines in part a combustion chamber, and an air intake system including an air silencer having an air intake port, a throttle body in communication with the air silencer, at least one induction air passage extending along a side of the engine body generally next to the at least one cylinder, and an induction air support member, the induction air support member connected to and providing fluid communication between the air silencer and the induction air passage, the induction air support member being attached to the engine body and supporting the throttle body.

Curtis does not disclose each and every limitation of Claim 16. For example, Curtis does not disclose, *inter alia*, at least one induction air passage extending along a side of the engine body generally next to the at least one cylinder. Curtis teaches having an air intake manifold structure 20 for delivering air to the combustion chambers of an engine 10. See Figure 1 of Curtis reproduced below; see also Col. 3, lines 61-64. In contrast to Claim 16, the air intake manifold structure 20 is positioned between the engine 10 and the air duct 30.



**Appl. No.** : 10/814,412  
**Filed** : March 31, 2004

The illustrated air intake manifold structure 20 does not extend along a side of the engine body defining at least one combustion chamber.

Thus, because Curtis does not disclose each and every limitation of Claim 16, Applicant submits that Claim 16 is in condition for allowance. The secondary references do not teach or suggest the deficiencies of Curtis. Claims 17-18 and 25 depend from Claim 16 and are novel and non-obvious over the art of record for at least the same reason as Claim 16. Applicant respectfully requests the Examiner to withdraw the rejection to Claims 16-18 and 25 and to reconsider the claims.

#### New Claims

Claims 26 and 27 have been added. These claims are fully supported by the application as filed. Accordingly, no new matter has been added by this amendment. Consideration of new Claims 26 and 27 is respectfully requested.

Appl. No. : 10/814,412  
Filed : March 31, 2004

**Conclusion**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 17, 2005

By: 

William H. Shreve  
Registration No. 35,678  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

1337132\_1  
031405